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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
HERMEKING *et al.*)
)
Serial No. 09/939,581) Group Art Unit: 1635
)
Filed August 28, 2001) Examiner: Sean McGarry
)
For: 14-3-3 SIGMA ARRESTS THE) Atty. Dkt. No.: 001107.00187
CELL CYCLE)

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MAY 17 2004

OFFICE OF PETITIONS

SUBMISSION UNDER 37 C.F.R. § 1.28

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.28(c) applicant encloses the difference between the Issue Fee previously paid in the small entity and the current fee due for a non-small entity in the above-captioned patent application.

Applicant discovered that through error it had not notified the USPTO of the loss of right to small entity status.

Deficiency Owed Pursuant to 37 C.F.R. § 1.28(c)(2)(ii)

The deficiency in the Issue Fee is calculated as follows:

Type of Fee	Current Amount for Non-Small Entity	Amount Previously Paid	Date Paid	Deficiency Owed
Issue Fee	\$ 1330.00	\$ 665.00	February 20, 2004	\$ 665.00
Total Deficiency Owed				\$ 665.00

05/17/2004 CNBUEYEN1 00000001 190733 09939581

01 FC:1501 1330.00 DA

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: 5-14-04

By: 

Sarah A. Kagan

Registration No. 32,141

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 665

Complete if Known

Application Number	09/939,581
Filing Date	August 28, 2001
First Named Inventor	Heiko Hermeking
Examiner Name	Sean McGarry
Art Unit	1635
Attorney Docket No.	001107.00187

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MAY 17 2004

OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit
Account
Number

19-0733

Deposit
Account
Name

Banner & Witcoff, LTD.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, **except for the filing fee**
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims		-20 **	=	0	X		= 0
Independent Claims		-3 **	=	0	X		= 0
Multiple Dependent					X		= 0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Deficiency owed for Issue Fee pursuant to 37 C.F.R. § 1.28(c)(2)(ii).

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*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 665

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Sarah A. Kagan	Registration No. (Attorney/Agent)	32,141	Telephone	(202) 824-3000
Signature		Date			

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is to be obtained or retained a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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